

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LEE DANIEL WHITE,

Petitioner,

Case No. 2:09-cv-13

v.

HON. ROBERT HOLMES BELL

BARRY DAVIS,

Respondent.

/

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

On July 25, 2011, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that Petitioner Lee Daniel White’s petition for writ of habeas corpus be denied. (Dkt. No. 39.) This matter is before the Court on Plaintiff’s objections to the R&R. (Dkt. No. 40.)

This Court makes a *de novo* determination of those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). The Court may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. *Id.*

Petitioner objects to the Magistrate Judge's determination that the trial court and Michigan Court of Appeals were not objectively unreasonable in determining that Defendant did not receive ineffective assistance of counsel. Upon review, the Court concurs with the Magistrate Judge's findings. Petitioner has not overcome the presumption that the tactical decision by trial counsel not to call a particular expert witness or object to particular testimony by a nurse examiner were sound trial strategy. Accordingly

IT IS HEREBY ORDERED that the July 25, 2011, R&R (Dkt. No. 39) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus is **DENIED**.

Dated: March 9, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE